IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4819 of 2005

Between:

T.Rajesh, s/o Mattapally,
E.175894 of APSRTC, Piduguralla Depot, Guntur District,
r/o Village Parvatagiri Mandalam, Kanagullu Post,
Dorepally, Nalgonda District.

..... PETITIONER

AND

Depot Manager, APSRTC, Piduguralla Depot, Guntur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of mandamus, declaring the action of the respondent in issuing proceedings No.01/2(6)/2004-PDRL dt.04-08-2004 without issuing any charge sheet and without conducting enquiry, the deletion of the name of the petitioner from the approved list/selected list is as illegal, unjust, contrary to law and in violation of principles of natural justice by granting all consequential benefits and set-aside the impugned order and to pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.MOHD.GHOUSEUDDIN

Counsel for the Respondent: MR.R.MANMADHA REDDY

The Court, at the admission stage, made the following:

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 4819 of 2005

ORDER:

Challenging the proceedings dated 04-08-2004 issued by the respondent-Depot Manager, AP State Road Transport Corporation in deleting the name of the petitioner from the approved list, without issuing any charge sheet or conducting any enquiry, the present writ petition has been filed.

2. The learned counsel for the petitioner contended that without conducting any enquiry, the petitioner's name was deleted from the selection list. Therefore, the principles of natural justice have been violated, hence the impugned proceedings are liable to be set aside.

3. The learned standing counsel for the respondent-Corporation opposed the same on the ground that the petitioner is not a regular employee of the respondent-Corporation and hence, there is no need to conduct any regular departmental enquiry with regard to the deletion of the name of the petitioner from the selection list.

4. It is not in dispute before this Court that the petitioner was selected as a casual driver by the selection committee in the year 2000 and since then he has been discharging his duties as usual. It is also not in dispute that an accident took place on 04-07-2004, while he was driving the bus bearing Regn.No.AP 10 Z 9666. After calling for the explanation, the impugned proceedings were passed deleting the name of the petitioner from the approved list.

5. In deed, no enquiry was conducted in this case before passing the impugned

proceedings. Issuance impugned proceedings without conducting any enquiry is contrary to law and in violative of principles of natural justice. Though the petitioner who is not a regular driver but only a casual driver, but since he was selected through regular selection process, I am of the considered opinion that the principles of natural justice would require to meet the ends of justice by giving a fair and reasonable opportunity to the petitioner to prove his innocence in the enquiry.

6. Accordingly, the writ petition is allowed, proceedings under impugned dated 04-08-2004 are set aside. However, this order will not preclude the respondent in taking appropriate action in accordance with the rules and regulations of the Corporation. No costs.

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March 11, 2005

Kvr

To

1. Depot Manager, APSRTC, Piduguralla Depot, Guntur District.

2. 2 CD copies.

*Form-NIC-OGS/WP{**RS**}*